

1 A JOINT MEMORIAL

2 REQUESTING THAT THE STATE ENGINEER AND THE INTERSTATE STREAM  
3 COMMISSION INVOLVE MUNICIPAL, INDUSTRIAL AND AGRICULTURAL  
4 STAKEHOLDERS IN THE SAN JUAN RIVER BASIN IN DISCUSSIONS TO  
5 ADDRESS WATER ISSUES.

6  
7 WHEREAS, the state engineer has statutory responsibility  
8 for general supervision and the measurement, appropriation  
9 and distribution of the state's waters and, therefore, filed  
10 an adjudication suit in 1976 to define all water rights  
11 within the San Juan river basin; and

12 WHEREAS, final determination of all water rights will  
13 relieve economic and social uncertainty to water stakeholders  
14 within the basin; and

15 WHEREAS, the state engineer is currently negotiating a  
16 settlement with the Navajo Nation to define the extent and  
17 nature of the Navajo Nation's water rights, which may save  
18 the state the financial burden of litigation, including  
19 saving tax dollars; and

20 WHEREAS, it is in the best interest of New Mexico to  
21 negotiate structured water rights settlements with Indian  
22 nations, tribes and pueblos whenever possible because  
23 uncertainty by water users about water rights leads to  
24 substantial litigation costs, jeopardizes economic  
25 development and promotes dissension within communities; and

1           WHEREAS, considering the length of time it takes to  
2 introduce and pass federal water legislation, it is important  
3 that the proposed settlement agreement and its companion  
4 federal legislation be introduced in 2004; and

5           WHEREAS, the state engineer and the Navajo Nation have  
6 developed a completion schedule for settlement of the Navajo  
7 Nation's water rights that includes a settlement approved by  
8 congress that will be enacted into law by October 2006 and  
9 the partial final decree entered; and

10          WHEREAS, the proposed Navajo settlement authorizes the  
11 United States to fund the construction of a pipeline to  
12 provide drinking water to areas of the Navajo Nation that  
13 lack a drinking water source; and

14          WHEREAS, the settlement provides that over a ten-year  
15 period New Mexico will contribute at least twenty-five  
16 million dollars (\$25,000,000) to a dedicated Navajo Nation  
17 water development trust fund through its share of settlement  
18 implementation costs; and

19          WHEREAS, San Juan river basin water users want to  
20 understand the relationship of the total maximum depletions  
21 resulting from the proposed settlement, final adjudication of  
22 water rights, anticipated water supply availability and the  
23 Upper Colorado River Basin Compact; and

24          WHEREAS, the available surface flow has been affected by  
25 several years of drought within the San Juan river basin, and

1 in response to the continuing drought, the state engineer  
2 established an ad hoc committee to provide a forum for  
3 discussion and negotiation of short-term shortage sharing  
4 agreements; an agreement was reached and implemented in 2003;  
5 and

6 WHEREAS, the state engineer is drafting active water  
7 resource management regulations to establish and organize  
8 water districts, to appoint water masters and to authorize  
9 the development of water master manuals designed to meet the  
10 unique needs of a river system; and

11 WHEREAS, to the extent resources are available, the  
12 state engineer could expedite the San Juan river water rights  
13 adjudication by involving municipal, industrial and  
14 agricultural water users in the San Juan river basin, which  
15 would aid in the settlement process and in the administration  
16 of water rights within the stream system; and

17 WHEREAS, representatives of the Navajo Nation are  
18 willing to meet with and listen to the concerns of non-Navajo  
19 water users; and

20 WHEREAS, the proposed settlement would give Gallup the  
21 opportunity to address its water rights needs, and the mayor  
22 of Gallup supports the proposed settlement;

23 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
24 STATE OF NEW MEXICO that the state engineer be requested to  
25 begin informal processes that involve municipal, industrial

1 and agriculture users to address, to the extent possible,  
2 water issues such as diversion and consumptive use  
3 quantities, priority and other elements that define a water  
4 right; and

5 BE IT FURTHER RESOLVED that the state engineer release  
6 all proposed active water resource management regulations  
7 relating to the San Juan river basin as soon as possible to  
8 allow stakeholders to become familiar with the future scheme  
9 for managing the San Juan river basin; and

10 BE IT FURTHER RESOLVED that the ad hoc committee  
11 continue efforts to develop short-term shortage sharing  
12 policies and agreements during the state's continued period  
13 of drought; and

14 BE IT FURTHER RESOLVED that the state legislature  
15 approve the funding commitment required for settlement of the  
16 Navajo Nation water rights prior to the submission of the  
17 proposed settlement to the adjudication court for its  
18 approval; and

19 BE IT FURTHER RESOLVED that the state engineer and the  
20 interstate stream commission report back to the appropriate  
21 interim legislative committee prior to the next regular  
22 session on the status of the San Juan river water rights  
23 adjudication; and

24 BE IT FURTHER RESOLVED that copies of this memorial be  
25 transmitted to the state engineer and the interstate stream

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